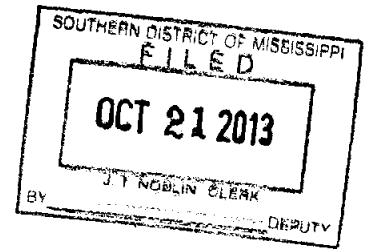


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**



**MIKE LOGAN; BLUE MOON SPIRITS;
BERT KING; KING PHOTOGRAPHY;
JACE NGUYEN; NAILS FOR U2;
JUSTIN GREEN; FIREHOUSE SUBS OF
HATTIESBURG**

PLAINTIFFS

VS.

CIVIL ACTION NO. 2:13cv232KS-NTP

**CITY OF HATTIESBURG, MISSISSIPPI;
DUNN ROADBUILDER, LLC;
SHOWS, DEARMAN & WAITS, INC.
and JOHN DOES 1 THROUGH 5**

DEFENDANTS

DEFENDANTS' JOINT NOTICE OF REMOVAL

TO: Mike Logan
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Blue Moon Spirits
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Bert King
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

King Photography
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Jace Nguyen
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Nails for U 2
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Justin Green
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Firehouse Subs of Hattiesburg
c/o McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Daniel M. Waide, Esq.
Samuel S. McHard, Esq.
P. Manion Anderson, Esq.
McHard & Associates, PLLC
15 Milbranch Road
Hattiesburg, Mississippi 39402

Honorable Lou Ellen Adams
Forrest County Circuit Clerk
P.O. Box 992
Hattiesburg, Mississippi 39403

YOU WILL PLEASE TAKE NOTICE that this Notice of Removal and the exhibits attached hereto have been filed this day for and on behalf of Defendants (1) City of Hattiesburg, Mississippi, (2) Dunn Roadbuilders, LLC, and (3) Shows, Dearman & Waits, Inc. in the United States District Court for the Southern District of Mississippi, Hattiesburg Division. You are hereby served with a copy of this Notice of Removal of this cause to the United States District Court from the Circuit Court of Forrest County, Mississippi, upon the grounds stated herein. Pursuant to this removal, you will proceed no further in the Circuit Court of Forrest County, Mississippi, and you will be mindful of the provisions of Title 28 U.S.C. § 1441, et seq. Please take notice hereof and govern yourselves

accordingly.

As their short and plain statement of the grounds for removal of this civil action, Defendants show unto the Court the following:

I.

There is now pending in the Circuit Court of Forrest County, Mississippi, a certain civil action styled *Mike Logan; Blue Moon Spirits; Bert King; King Photography; Jace Nguyen; Nails For U 2; Justin Green; & Firehouse Subs of Hattiesburg vs. City of Hattiesburg, Mississippi; Dunn Roadbuilders, LLC; Shows, Dearman & Waits, Inc., and John Does 1 through 5*, being Civil Action Number CI 13-0246 on the docket of that Court. That suit asserts federal law claims under (1) 42 U.S.C. § 1983, (2) the Fifth Amendment to the United States Constitution, and (3) the Fourteenth Amendment to the United States Constitution for various alleged takings, due process violations, and equal protection violations. Additionally, the suit asserts various state statutory law claims and common law claims under negligence, breach of contract, and other theories. The time within which Defendants are required to plead, answer or otherwise respond to the Complaint has not yet expired, and the thirty-day period within which to file for and obtain removal of this civil action has not yet expired.

II.

Because Plaintiffs seek relief under federal law on the face of the Complaint under (1) 42 U.S.C. § 1983 (Compl. 8, attached hereto as Exhibit "A"), (2) the Fifth Amendment to the United States Constitution (Compl., "PRAYER FOR RELIEF"), (3) the Fourteenth Amendment to the United States Constitution (Compl., "PRAYER FOR RELIEF"), and (4) other remedies allowed under federal law (Compl., "PRAYER FOR RELIEF"), jurisdiction in this Court is conferred by 28

U.S.C. § 1331 and 28 U.S.C. § 1441(c) (federal question jurisdiction). Moreover, this Court has supplemental jurisdiction over Plaintiffs' various state law claims under 28 U.S.C. §1367.

III.

Pursuant to the provisions of Title 28 U.S.C. § 1441, et seq., this civil action is removable by Defendants, and this Court has removal jurisdiction over the claims of all Plaintiffs.

IV.

Defendants attach hereto, as Exhibit "B," a copy of the entire court file in Civil Action No. CI 13-0246 in the Circuit Court of Forrest County, Mississippi, and asks that this exhibit be considered a part hereof the same as though copied herein in words and figures in full.

V.

Defendants, upon the filing of this Notice of Removal, have given notice to each of the named Plaintiffs - (1) Mike Logan, (2) Blue Moon Spirits, (3) Bert King, (4) King Photography, (5) Jace Nguyen, (6) Nails For U 2, (7) Justin Green, and (8) Firehouse subs of Hattiesburg - and their attorneys of record - (1) Daniel M. Waide, Esq., (2) Samuel S. McHard, Esq., and (3) P. Manion Anderson, Esq. - of McHard & Associats, PLLC from Hattiesburg, Mississippi, of the filing of this Notice of Removal of this civil action, and simultaneously therewith, the Defendants have filed a true and correct copy of the Notice of Removal with the Clerk of the Circuit Court Forrest County, Mississippi, together with the exhibits thereto, all in compliance with Title 28 U. S. C. § 1446(d).

VI.

All Defendants who have been named in this action have joined in this removal pursuant to 28 U. S. C. § 1446(b)(2)(A).

WHEREFORE, PREMISES CONSIDERED, Defendants (1) City of Hattiesburg, Mississippi, (2) Dunn Roadbuilders, LLC, and (3) Shows, Dearman & Waits, Inc., request that this Notice of Removal and exhibits hereto be received and filed, and that the Circuit Court of Forrest County, Mississippi, proceed no further herein. Defendants request for all necessary writs to bring before this Honorable Court all records and proceedings in the Court of Forrest County, Mississippi, and Defendants pray for such other, further, special and general relief as they is entitled to receive.

Respectfully submitted, this the 18th day of October, 2013,

CITY OF HATTIESBURG, MISSISSIPPI

BY: 
OF COUNSEL

CHARLES E. LAWRENCE, JR. - BAR # 1105

~~celawjr@gmail.com~~ hotmail.com

ATTORNEY AT LAW

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HATTIESBURG, MISSISSIPPI 39401-5512

TELEPHONE: (601) 582-4157

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Attorney for the City of Hattiesburg, Mississippi

DUNN ROADBUILDERS, LLC

BY: 
OF COUNSEL

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gabdo@danielcoker.com

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TELEPHONE: (601) 969 7607

FACSIMILE: (601) 969 1116

Attorneys for Dunn Roadbuilders, LLC

SHOWS, DEARMAN & WAITS, INC.

BY:


OF COUNSEL

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MOCKBEE, HALL, & DRAKE, P.A.

125 S. CONGRESS STREET, SUITE 1820

JACKSON, MISSISSIPPI 39201-3300

TELEPHONE: (601) 353-0035

FACSIMILE: (601) 353-0045

Attorney for Shows, Dearman, & Waits

CERTIFICATE OF SERVICE

I, Stephen P. Huwe, attorney for Defendant Dunn Roadbuilders, LLC, hereby certify that I have this day filed the original of the above and foregoing Notice of Removal and exhibits thereto in the United States District Court for the Southern District of Mississippi, Hattiesburg Division, and that upon the filing of the original notice and exhibits thereto, I have served a true and correct copy of the said notice and exhibits on:

A. The following Plaintiffs through their attorneys at McHard & Associates, PLLC, by mail at their usual business address in Hattiesburg, Mississippi:

- (1) Mike Logan,
- (2) Blue Moon Spirits,
- (3) Bert King,
- (4) King Photography,
- (5) Jace Nguyen,
- (6) Nails for U 2,
- (7) Justin Green, and
- (8) Firehouse Subs of Hattiesburg.

B. The following attorneys of record for the Plaintiffs by mail to their usual business address in Hattiesburg, Mississippi: (1) Daniel M. Waide, (2) Samuel S. McHard, and (3) P. Manion Anderson.

C. Honorable Lou Ellen Adams, Circuit Clerk of Forrest County, Mississippi, by mail to her usual business address in Hattiesburg, Mississippi.

All to effectuate the removal of a civil action *Mike Logan; Blue Moon Spirits; Bert King; King Photography; Jace Nguyen; Nails For U 2; Justin Green; & Firehouse Subs of Hattiesburg vs. City of Hattiesburg, Mississippi; Dunn Roadbuilders, LLC; Shows, Dearman & Waits, Inc., and*

John Does 1 through 5, being Civil Action Number CI 13-0246 on the docket of the Circuit Court of Forrest County, Mississippi, to the United States District Court for the Southern District of Mississippi, Hattiesburg Division, pursuant to the statutes and rules in such cases made and provided.

WITNESS MY SIGNATURE hereto, this the ^{18th} day of October, 2013.

A handwritten signature in cursive script, appearing to read "Stephen P. Huwe", written over a horizontal line.

STEPHEN P. HUWE
ATTORNEY FOR DUNN ROADBUILDERS,
LLC